

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed May 9, 2003. Upon entry of the amendments in this response, claims 1 – 16 remain pending. Applicant has amended claims 6, 12, 15, and 16. No new matter has been added. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I.      Objections to Claims are Moot**

The Office Action alleges that the numbering of claims is not in accordance with 37 C.F.R. 1.126. Applicant has numbered the claims to correspond with the renumbering presented in the Office Action. Specifically, claims 14 – 18 are now claims 12 – 16.

The Office Action also objects to claim 12 as having an informality. Specifically, in line 4, after “central system,” the “.” should be replaced with --;--. Applicant has amended claim 12 to reflect this change. Therefore, these objections are rendered moot.

### **II.     Double Patenting**

The Office Action indicates that claims 1 – 16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent Number 6,028,522. In this regard, Applicant submits herewith a timely-filed terminal disclaimer in compliance with 37 CFR 1.321(c). Therefore, Applicant respectfully asserts that the double-patenting rejection has been rendered moot.

### III. Claims 1 – 16 are Patentable Over U.S. Patent 5,471,201 to *Cerami et al.*

The Office Action alleges that claims 1 - 16 stand rejected under 35 U.S.C. §102(b) as being fully anticipated by U.S. Patent No. 5,471,201 to *Cerami et al.* (“Cerami”). Applicant respectfully asserts that the rejection as to these claims have been accommodated for the reasons specified below.

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration.” *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(*emphasis added*).

Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. §102(b).

#### ***Independent Claim 1 and Dependent Claims 2-11***

Claim 1 defines:

1. A system to monitor the level of light in an area comprising:  
at least one sensor that measures the level of light in a lighted area;  
at least one transceiver that communicates information regarding the level of light in the lighted area, via a communications network;  
a central system that communicates with the transceiver via the communications network; and  
**a network that allows access to the central system.**

(*Emphasis added*). The Applicant respectfully submits that independent claim 1 patentably defines over Cerami for at least the reason that Cerami fails to disclose, teach, or suggest the features emphasized in bold text above.

The system of claim 1 requires “***a network that allows access to the central system.***”

Unlike the “central system” of claim 1, the “central monitoring station” of Cerami is not networked to allow “access to the central system.” In contrast to the network of claim 1, Cerami does not disclose that the central monitoring system can be *accessed* in any fashion, directly or through a network. Instead, Cerami merely discloses that the central monitoring

station takes collected data from the concentrator and processes the data “according to specific requirements.” (col. 7, line 11-13). In contrast, FIG. 10 of the application depicts a network (Internet 403) that allows **access to the central system** (for example, by a customer 402 or technician 404). Further, the detailed description of the application describes that the system “may incorporate a customer access feature so that a customer 402 may be provided with information regarding the lighted ATM area, such as via the Internet 403, among others.” (pg. 25, line 13 – pg. 26, line 17). Cerami simply does not teach “**a network that allows access to the central system**” as recited in claim 1.

Accordingly, and for at least these reasons, the Applicant respectfully submits that independent claim 1 patently defines over Cerami, and therefore should be allowed. Furthermore, because independent claim 1 patently defines over Cerami, dependent claims 2-11 are allowable as a matter of law for at least the reason that claims 2-11 contain all the features and elements of their corresponding independent claim. See, e.g. *In re Fine*, 837 F. 2d 1071 (Fed. Cir. 1988).

Dependent claim 9 is allowable for at least the additional reason that Cerami does not teach, suggest, or disclose that “**a person who is a technician or a customer, can access the central system**” as recited in claim 9. Rather, Cerami merely discloses a central monitoring station that collects data, and *automatically* processes the data according to specific requirements. For example, the central monitoring station “may be programmed to take decisions automatically” such as “to cut off the electric power supply to an intermittently operating lamp.” (col 7, lines 9-38). Thus, claim 9 is allowable for this additional reason.

Dependent claim 10 is allowable for at least the additional reason that Cerami does not teach, suggest, or disclose using “the Internet” for “access to the central system.” Specifically, claim 10 further defines the “**a network** for allowing access to the central system” of claim 1 as being “the **Internet**.” In rejecting claim 10, the Office Action alleges

that this limitation is shown by the disclosure in Cerami of a “remote monitoring system comprising [sic] electronic network, column 1, lines 21-23.” (Office Action, pg. 5).

However, the cited portion of Cerami merely describes “an electronic network to sense the state of operation of the individual lamps.” The text does not describe “**a network that allows access to the central system,**” wherein the network is “the **Internet.**” This suggests that the rejection in the Office Action is based on a fundamental misunderstanding of the claimed invention. The “a network” (claim 1, line 7), which provides “access to the central system,” is a completely different element from the “a communications network” (claim 1, line 4), which communicates information regarding the level of light between a transceiver and a central system. Therefore, claim 10 is allowable for this additional reason.

#### *Independent Claims 12, 13, and 14*

12. A method for monitoring the level of light in an area comprising the steps of:

- sensing the level of light in a lighted area; and
- communicating the level of light in the lighted area, via a communications network, to a central system;
- accessing the central system via a network.**

13. A computer program for monitoring the level of light in an area, the computer program being embodied on a computer readable medium, the computer program comprising:

- a first logic, the first logic sensing the level of light in a lighted area;
- a second logic, the second logic communicating the level of light in the lighted area, via a communications network, to a central system; and
- a third logic, the third logic **accessing the central system via a network.**

14. A means for monitoring the level of light in a area comprising:

- sensing the level of light in a lighted area; and
- communicating the level of light in a lighted area, via a communications network, to a central system; and
- accessing the central system via a network.**

(*Emphasis added*). The Applicant respectfully submits that independent claims 12, 13, and 14 patently define over Cerami for at least the reason that Cerami fails to disclose, teach, or suggest the features emphasized in bold text above.

The Office Action alleges that Cerami discloses all the features of the system of claims 12, 13, and 14. For example, the Office Action alleges that Cerami teaches “a network (interface to 8) that allows access to the central system (Fig. 1).” In reference to claim 13, the Office Action alleges that Cerami discloses “a third logic, the third logic accessing the central system via a network (1).

The method, computer system, and means for monitoring the level of light of claims 12, 13, and 14 all include “**accessing the central system via a network**.” As discussed above in respect to claims 1 and 10, unlike the “central system” of claims 12-14, the “central monitoring station” of Cerami is not networked to allow “access to the central system.”

The rejection apparently equates the connection between concentrator 7 and the central monitoring system with “**accessing the central system via a network**.” This suggests that the rejection in the Office Action is based on a fundamental misunderstanding of the claimed invention. The “a network,” which provides “access to the central system,” is a completely different element from the “a communications network,” which communicates information regarding the level of light between a transceiver and a central system.

Accordingly, and for at least these reasons, the Applicant respectfully submits that independent claims 12, 13, and 14 patently define over Cerami, and therefore should be allowed.

### ***Independent Claim 15***

Claim 15 defines:

15. A system to monitor the level of light in an area comprising:  
a sensor that measures the level of light in an lighted area;  
**a first transceiver that communicates the level of light in the  
lighted area to a second transceiver; and**  
**an interface that communicates the level of light received by the  
first transceiver, to a central system via a network.**

(*Emphasis added*). The Applicant respectfully submits that independent claim 15 patently defines over Cerami for at least the reason that Cerami fails to disclose, teach, or suggest the features emphasized in bold text above.

First, claim 15 requires “**a first transceiver that communicates the level of light in the lighted area to a second transceiver.**” Unlike the system of claim 15, the alleged transceivers 7 do not communicate the level of light to a second transceiver. Rather the transceivers 7 merely communicate with the central station 8. (col 5, lines 27-31).

Second, even assuming, *arguendo*, that the alleged “radio transceiver” of central station 8 is believed to be “a second transceiver,” claim 15 also requires “**an interface that communicates the level of light received by the first transceiver, to a central system via a network.**” Clearly, in that the “central system” is a completely separate claimed element, neither the “first transceiver” or the “second transceiver” is the same as the claimed “central system.” Thus, Cerami fails to disclose, teach, or suggest “**an interface that communicates the level of light received by the first transceiver, to a central system via a network**” as required by claim 15.

Accordingly, and for at least these reasons, the Applicant respectfully submits that independent claim 15 patently defines over Cerami, and therefore should be allowed.

***Independent Claim 16***

16. A system to monitor the level of light in an area comprising:  
a sensor that senses the level of light in a lighted area;  
**a first transceiver that communicates the level of light in the  
lighted area to a second transceiver to create an RF cloud that can be used  
to directly communicate the level of light to a central system.**

(*Emphasis added*). The Applicant respectfully submits that independent claim 16 patently defines over Cerami for at least the reason that Cerami fails to disclose, teach, or suggest the features emphasized in bold text above.

First, claim 16 requires “**a first transceiver that communicates the level of light in the lighted area to a second transceiver.**” Unlike the system of claim 16, the alleged transceivers 7 do not communicate the level of light to a second transceiver. Rather the transceivers 7 merely communicate with the central station 8. (col 5, lines 27-31).

Second, even assuming, *arguendo*, that the alleged “radio transceiver” of central station 8 is believed to be “a second transceiver,” claim 16 also recites that the communication between the first and second transceivers “**create an RF cloud that can be used to directly communicate the level of light to a central system.**” Clearly, in that the “central system” is a completely separate claimed element, neither the “first transceiver” or the “second transceiver” is the same as the claimed “central system.” Thus, Cerami fails to disclose, teach, or suggest “**a first transceiver that communicates the level of light in the lighted area to a second transceiver to create an RF cloud that can be used to directly communicate the level of light to a central system**” as recited in claim 16.

Accordingly, and for at least these reasons, the Applicant respectfully submits that independent claim 16 patently defines over Cerami, and therefore should be allowed.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 – 16 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

Respectfully submitted,



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